

REMARKS

Accompanying this response is a petition for an extension of time, as well as a new power of attorney.

Applicants note that claims 7, 37-73 and 77-117 are withdrawn from further consideration by the Examiner. Applicants respectfully traverse the withdrawal of claim 37 and all claims dependent thereon, directly or indirectly, as being drawn to a different species. It is submitted that this claim is drawn to several species since the Examiner's apparent basis for setting forth species was different drawing figures. It is respectfully requested therefore that this withdrawal be withdrawn as inappropriate.

The Examiner has also objected to the drawings under 37 CFR 1.83(a) for failing to show the rigid support structure of Species II. Applicants respectfully traverse this rejection and request its withdrawal. Please note that on page 11, lines 4-15, it is indicated that FIGURES 2A-B depict a variation on the basic design (of FIGURES 1A-G). FIGURE 1G depicts a weight/load bearing frame which may optionally be nested in the container shown in the balance of the FIGURE 1 embodiment. This FIGURE 1G support structure can similarly be used with the FIGURE 2 embodiment. Thus, the claimed Species II rigid support structure is shown. Furthermore, there is ample discussion of the optional support structure on page 19 at lines 11-29. Nonetheless, Applicants will gladly submit, with the Examiner's approval, a FIGURE 2D, which in all other respects will be identical to FIGURE 1G, with appropriate descriptive verbiage. It is submitted that this will not introduce new subject matter.

The specification has also been objected to under 35 USC §112, first paragraph, on the basis that the support structure of Species II has not been described adequately since the relationship between the three bands and the support structure is unclear and the specific shape of the Species II support structure has not been described. For the reasons set forth above, Applicants respectfully traverse this rejection and request its withdrawal. Appropriate description is set forth on page 11, lines 4-15 and page 19, lines 11-29.

Claims 1 and 33 have been amended to include the limitation that the third (or outermost) band is substantially seamless and blast resistant. Support for these amendments is found on page 22 at lines 7-13. There is no new matter occasioned by these amendments, and thus they should be admitted. Applicants respectfully request

same. The only other independent claim under consideration is claim 74, which requires that the composite strip comprise a tape of unidirectional high strength fibers or oriented film encircling the container in a hoop direction at least once, i.e., at least 360°. The substantially seamless band of the other claims is greater than 360° as well.

Claims 8-11 stand rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention. Specifically, the rigid support structure has ostensibly not been adequately described and the structural relationship set forth. Furthermore, claims 9 and 10 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the structure of the band of the rigid support frame is unclear. Again, Applicants respectfully traverse these rejections as inappropriate and request their withdrawal. Clearly, Applicants have set forth on page 19 at lines 11-12 that “[i]n the various embodiments depicted, a rigid inner liner or band can be constructed using one or more of the techniques and/or material to follow.” What follows is detailed description, including drawing figures, of materials and techniques for forming a rigid inner liner or band for the various containers shown. On page 9, lines 24-28, Applicants state that “[t]he preferred embodiments of this invention illustrated in the figures are not intended to be exhaustive or to limit the invention to the precise form disclosed. It is chosen to describe or to best explain the principles of the invention and its application and practical use to thereby enable others skilled in the art to best utilize the invention.” The liner/band set forth on page 19 is therefore susceptible to use with the container depicted in FIGURE 2.

Claims 12-32, 34-36, and 74-76 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of USP 5,545,455 (Prevorsek et al.) in view of USP 674,009 (Lewis). Applicants respectfully traverse this rejection and request its withdrawal in light of the following comments. Lewis et al discloses that it is known in the art to construct a container from three separate bands of material. However, Lewis fails to disclose that the third (or outermost) band is substantially seamless, as is required by Applicants’ claimed invention. See Applicants’ specification on page 22 at lines 8 - 13 wherein it is indicated “that the band is seamless across each edge joining adjacent faces for more

than at least one full wrap . . . and also that at any given point on the band there is at least one wrap/layer that is seamless.” (emphasis added) In other words, the outermost band is greater than at least one full wrap, i.e., greater than 360 degrees. This is a distinction with a difference. There is no weak line from one side of the outermost band to the other. The substantially seamless outermost band supports the inner bands whether a five sided strip is used to create a four sided inner band or otherwise. Lewis on the other hand shows bands whose ends do not overlap, but at best abut one another. The outermost/third band of Lewis is taped across a joint, one of the weakest possible places to connect the two ends of the band for blast resistance. Prevorsek et al. teaches flat panels which are wrapped and stitched to control delamination. Neither of these references teaches or suggests the substantially seamless outermost band of the present invention. Even the girdle of Prevorsek et al does not enclose/encompass a container.

Claims 1-6 and 33 stand rejected under 35 USC §102(b) as being anticipated by Lewis, supra. A prior art reference must teach every element to anticipate a claimed invention. Lewis fails to do this since the third band A is neither blast resistant nor substantially seamless. With further reference to claim 33, there is nothing in Lewis to suggest that the bands are formed from composite material either. This rejection should therefore be withdrawn from these claims, as amended.

Claims 8, 9 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Lewis in view of Rosenbloom, Jr. et al. Both of these references relate to collapsible containers; however, neither one of them teaches or suggests blast resistance or direction. It is respectfully submitted that they are inapposite to these claims as amended, and this rejection should therefore be withdrawn.

Claim 10 stands rejected under 35 USC §103(a) as being unpatentable over Lewis in view of Rosenbloom, Jr. et al. as applied to claim 9 and further in view of Hall (USP 4,216,803). In light of the comments above, it is respectfully submitted that none of these references either teaches or suggests that the containers are blast resistant or that the outermost band is both blast resistant and substantially seamless, and therefore, this rejection should be withdrawn.

Claims 12-32, 34-36 and 74-76 stand rejected under 35 USC §103(a) as being unpatentable over Lewis in view of Prevorsek et al. This rejection is respectfully traversed and its withdrawal requested. There is absolutely no motivation for one of

ordinary skill in the art of blast containment and direction to combine these two references based on the claims as amended. Lewis has absolutely nothing to do with blast containment. It is simply a collapsible cardboard/paper box. Note the date of issuance, i.e., 1901. It is respectfully submitted that one of ordinary skill in the art, even with the Prevorsek et al reference available, would not look to Lewis for container structure to enhance blast resistance. The substantially seamless outermost band (at least one full wrap in claim 74) of the claimed invention is different from the bands of Lewis. The Lewis bands must only abut, not overlap and not cover the edges/joints as required by Applicants' claimed invention.

In view of the foregoing, it is respectfully submitted that the present claims 1-6, 8-36 and 74-76 are now in condition for allowance. Applicants respectfully request that they be passed to issue. Should there be any unresolved issues regarding this application, Examiner Kopsidas is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,
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